

App. No. 09/649,215
Response E
Page 2 of 10

R E M A R K S

Reconsideration of the present application in view of the following remarks is respectfully requested. Ten claims are pending in the application: Claims 1 through 10.

35 U.S.C. § 103

Claims 1-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,909,551 (*Tahara et al.*). Applicants respectfully traverse these rejections in that the *Tahara* patent fails to teach each limitation as claimed in at least independent claims 1 and 8-10. Applicants respectfully submit that the Examiner's rejections have divided out the claim limitations into sub-elements effectively eliminating the cooperation and dependency within the claim limitations and between the claim limitations. Further, due to the lack of consideration of the cooperation and dependences, Applicants had difficulty in attempting to follow the basis for rejection on which that the office action relies. Therefore, the following remarks are provided demonstrating that the *Tahara* patent does not establish a *prima facie* case of obviousness, and to rebut what the Applicants assume the Examiner is trying to demonstrate.

Applicants respectfully submit that the *Tahara* reference does not teach or make obvious pending claims 1-10. Further, Applicants in two previous office actions overcame the applied *Tahara* reference. Still further, the Examiner in the two (2) previous office actions specifically stated that the *Tahara* patent "does not explicitly specify selecting a source file, searching the source file for a variable, and replacing the variable with the definition for the variable and generating a

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App. No. 09/649,215
Response E
Page 3 of 10

programmatic content therefrom" and relied on other references for these limitations. (Office Action mailed 2-13-04, page 3).

The Tahara patent does not teach or suggest each element of claim 1, for example, and further fails to make claim 1 obvious. Applicants assert that what is needed to form a *prima facie* case of obviousness is as referenced in M.P.E.P section 2143. M.P.E.P section 2143 states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (Underlining added). In *re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

The Tahara reference does not teach all of the claim limitations and thus does not render claims 1-10 obvious.

The Examiner in rejecting claim 1 attempts to suggest that:

"It would have been obvious ... to provide the creation of HTML fields of programmatic HTML content ... so that this is created responsive to searching of fields ... because a search for those resources needed for resolving a markup tagged field as required by the interactive button definitions would secure appropriate mapping into the programmatic content when such HTML link/tags are interpreted..." (Office action, pages 3-4).

However, searching for a "link/tag" as suggested by the Examiner is NOT generating programmatic content as claimed, but instead linking to the previously provided "linked" display content. The Tahara patent does not teach or suggest generating programmatic content in response to the searching as claimed,

App. No. 09/649,215
Response E
Page 4 of 10

but instead links between content. This is not "generating programmatic content" because the Tahara reference only describes linking between already provided display content. For example, the Tahara patent describes linking from INDEX.HTM of FIG. 27a to PAGE001.HTM of FIG. 27b, both of which are previously provided and neither is "generated" in response to the searching as claimed. More specifically, the Tahara patent describes

In FIG. 27a the file INDEX.HTM is opened, the image file MENU001.GIF is displayed and then the image file KEY1.GIF is displayed ... In the display window 2601, when the user selects the selection button 2607[1], shift is made to the corresponding page PAGE001.HTM file as illustrated in display window 2602. The contents of PAGE001.HTM is as shown in FIG. 27b. (Tahara, col. 17, ln. 50 through col. 18, ln. 2, emphasis added).

Therefore, these files are opened and not generated. The INDEX.HTM and PAGE001.HTM files are not generated in response to a search, nor does the Tahara patent suggest they are generated in response to a search. Instead, the Tahara patent describes opening a first file then shifting from the first display file (INDEX.HTM) to open a second display file (PAGE001.HTM). Therefore, the Tahara patent does not teach each limitation as claimed, and thus, does not establish a *prima facie* case of obviousness.

Further, the Examiner on page 3 of the office action attempts to suggest that Tahara describes "creating programming content having HTML tagged fields (e.g. IMG SRC, A HREF)" referring to FIGS. 27a, 27b and column 16 lines 48-55 of the Tahara reference. Existing content having HTML tagged fields is not generated programmatic content as claimed, but instead is existing content containing reference to additional content.

App. No. 09/649,215
Response E
Page 5 of 10

Additionally, the Examiner fails to demonstrate how these "content" having "HTML tagged fields" are generated in response to the searching as claimed. Additionally, nothing in Tahara suggests the content of FIGS. 27a and 27b are generated in response to the searching of the source file comprising the variable. Instead, these "content having HTML tagged fields" are provided as part of the system and are not generated in response to the search.

Further, the Tahara patent does not teach or suggest "generating authoring output comprising a definition for a variable ... selecting a source file, the source file comprising the variable" as recited in claim 1. The Examiner attempts to suggest that "displayed selection buttons 2607" are equivalent to claimed "definition for the variable", citing column 17, lines 56-51, that describes "displayed selection buttons 2607" of FIG. 26 of the Tahara patent. However, these "displayed selection buttons" are not definitions for variables as claimed, but instead are displayed buttons that allow a user to transition between displays. These "displayed selection buttons" are not definitions for variables as claimed, but instead are options provided to a user.

Furthermore, if we assume arguendo that the "displayed selection buttons 2607" are equivalent, as the Examiner contends, to the "definition of a variable (e.g. key 1, key 2, key 3 - Fig. 25B; KEY1.GIF; KEY2.GIF...)", then the "displayed option buttons 2607" do not replace anything, but instead are merely displayed as options for a user to select to cause a transition to a subsequent display (e.g., "user selects the selection button 2607[1], shift is made to the corresponding page PAGE001.HTM file" as recited in Tahara at column 17, lines

App. No. 09/649,215
Response E
Page 6 of 10

65-67). Therefore, the "displayed selection buttons 2607" cannot be equated to the "definition of a variable" as recited in claim 1, and thus the Tahara reference does not teach each limitation of claim 1.

Even if we assume arguendo that the "displayed selection buttons 2607" are the "variable" instead of the "definition", which the Examiner has not suggested, and the "definition" for the variable is the corresponding page (e.g., "corresponding PAGE001.HTM file" see column 17, lines. 66-67 as depicted in FIG. 27b), the Tahara reference still fails to teach at least the "searching the source file for the variable, and replacing the variable with the definition for the variable." If the corresponding page associated with a "displayed selection button" is, arguendo, the definition (e.g., PAGE001.HTM of FIG. 27b) the Tahara patent does not suggest replacing the "displayed selection button" with the PAGE001.HTM, but instead causing the display to shift from the INDEX.HTM display file to the PAGE001.HTM display file. The PAGE001.HTM file does not "replace" the "display selection button 2607" such that display 2602 of FIG. 26 replaces the "displayed selection button 2607" of display 2601. Alternatively, Tahara specifically describes shifting from display 2601 to display 2602, and not replacing the "displayed selection button" (see at least col. 17 line 65 through col. 19 line 2). Therefore, the Tahara reference does not suggest "replacing the variable with the definition for the variable" as claimed.

Further assuming arugendo that the "displayed selection button 2607" is the "variable" and the system searches the INDEX.HTM file for the "variable", the Tahara reference still does not suggest "generating programmatic content in

App. No. 09/649,215
Response E
Page 7 of 10

response to the search" as recited in claim 1 (emphasis added). The Tahara reference does not describe generating the PAGE001.HTM file in response to searching the INDEX.HTM file. Instead, the Tahara reference opens a subsequent file shifting displays to a subsequent display according to the previously provided file associated with the "displayed selected button" (e.g., PAGE001.HTM). Therefore, the Tahara patent does not teach or suggest "generating of programmatic content in response to the searching" as claimed, and thus, a *prima facie* case of obviousness cannot be established.

The Examiner further attempts to suggest that Tahara describes "programmatic content having HTML tagged fields...; combining programmatic content based on the replacing by the button-related variables with appropriate files or program executables (for reproducing interactive image)...." (Emphasis added). However as demonstrated above, the Tahara patent does not describe "generating programmatic content in response to the search" as claimed (emphasis added), and instead only describes shifting between previously provided display files in response to a user's selection. The files described in Tahara were not generated in response to a search, but instead were previously written and made available prior to any searching so that during operation of the system the files would correspond with a user's selection of a button during operation of the system. Specifically, the Tahara patent recites "the user selects the selection button 2607[1], shift is made to the corresponding page PAGE001.HTM file as illustrated in display window 2602 [of FIG. 26]." (Tahara, col. 17 ln. 65 through col. 18 ln. 13, emphasis added). Therefore, the Tahara reference fails to teach

App. No. 09/649,215
Response E
Page 8 of 10

or suggest "generating programmatic content in response to the searching" as recited in claim 1 (emphasis added).

The Examiner continues suggesting "the concept of searching of files comprising instructions or data associated with the interactive buttons and the file directory structure to fill the HTML tagged fields is implied." (Office action, page 3, emphasis added.) However, the Tahara reference never teaches or suggests that HTML tagged fields are "filled" as suggested by the Examiner. Instead, the Tahara reference describes shifting from one display file (e.g., INDEX.HTM, FIG. 27a) to another already provided display file (e.g., PAGE001.HTM, FIG. 27b), as described at least in column 17, line 65 through column 18, line 13, where "the user selects the selection button 2607[1], shift is made to the corresponding page PAGE001.HTM file as illustrated in display window 2602 [of FIG. 26]." (Emphasis added). The Tahara reference continues to describe displaying the subsequent image of PAGE001.HTM based on the contents of the PAGE001.HTM file (FIG. 27b) and does not teach or suggest "filling" the HTML tagged fields of the INDEX.HTM file with the PAGE001.HTM file as suggested by the Examiner. Therefore, the Tahara reference does not teach or suggest at least the "generating programmatic content in response to the searching" as recited in claim 1.

Still further, the Tahara patent does not teach or suggest "generating an image as a function of the programmatic content" as recited in claim 1. The Tahara patent does not teach generating programmatic content, and thus cannot teach generating an image as a function of the programmatic content. Additionally, the Tahara patent does not teach combining the image generated as a function of programmatic content with

App. No. 09/649,215
Response E
Page 9 of 10

audio/video data. Therefore, the Tahara patent fails to establish a *prima facie* case of obviousness.

Applicants have demonstrated that the Tahara reference fails to "teach or suggest all the claim limitations" of at least claim 1 as required to support a rejection under 35 U.S.C. 103 (MPEP 2143) and thus a *prima facie* case of obviousness has not been established. Therefore, claim 1 is not obvious in view of the Tahara reference.

Independent claims 8-10 include claim language similar to that of claim 1. Therefore, the above presented arguments can be applied to claims 8-10 and thus independent claims 8-10 are also not obvious in view of the Tahara patent.

Similarly, claims 2-7 depend from claim 1. Applicants have demonstrated above that claim 1 is not obvious in view of the Tahara patent. Therefore, claims 2-7 are also not obvious in view of the Tahara patent due at least to their dependency on claim 1.

App. No. 09/649,215
Response E
Page 10 of 10

C O N C L U S I O N

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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